IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19411 of 2004

Between:

Railways STD/PCO Booth Operators Welfare Association, (Regd.NO. 1587/04) at 9-3-96, Ragimentall bazar, Secunderabad rep by President-G Sudershan Reddy S/o Chandra Reddy H. No. 9-3-96, Regimental Bazar, Secunderabad

..... PETITIONER

AND

1. The Senior Divisional Commercial Manager, (Railways) Secunderabad Division, Secunderabad
2. The General Manager, South Central Railways, Rail Nilayam, Secunderabad
3. The Railway Board, rep by Executive Director, Passengers Marketing New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or Writ specially Writ of Mandamus directing the respondents to extend the period of Licenses as per policy-2002 in respect of members of the petitioner's Association i.e. Telephone booths in respect of Booth Numbers SC1, SC2, SC5, SC8, SC9, SC11,SC12, S17, 18 at Secunderabad Station, HYB B1, HYB B2, HYB B3, HYB B6, HYB B8 at Hyderabad Station, WL1, WL2, WL4 at Warangal Station and K2J1, K2j2 and K2J3 at Kazipet Station.

Counsel for the Petitioner: MR.P.PANKAJ REDDY

Counsel for the Respondents.: MR. A. KRISHNAM RAJU, STANDING COUNSEL.

The Court at the admission stage made the following :

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ORDER:

This writ petition is filed to issue a writ of mandamus directing the respondents to extend the period of licenses as per Policy-2002 in respect of members of the petitioner- Association in respect of Booth Nos. SC1, SC2, SC5, SC8, SC9, SC11, SC12, S17, SC18 at Secunderabad Station HYB B1, HYB B2, HYB B3, HYB B6, HYB B8 at Hyderabad Station WL.1, WL.2, WL.4 at Warangal Station and K2J1, K2j2 and K2j3 at Kazipet Station.

Learned counsel appearing for the petitioner-Association contended that all the members of the petitioner-Association are physically handicapped persons and as per the terms and conditions stipulated in the Policy-2002, the term of the members of the petitioner-Association may be extended and the same shall have to be considered by the respondents.

On the other hand, Sri A. Krishnam Raju, learned counsel appearing for the respondents contended that in respect of the changed Policy No. 36/2002, dated 20.05.2002, the existing contractors can operate the booths upto the unexpired period of existing contract and the contract can be further extended up to 27.4.2005 and therefore, the petitioner-Association has no right to question the tenders called for, in the impugned proceedings dated 21-09-2004.

In view of the change of Policy, a contractor/licensee can run the booth up to 27.4.2005. The learned counsel also brought to the notice of this Court that licenses will be given to the eligible persons in pursuance of the tenders after 27.4.2005 only, but not by terminating the licenses of the petitioner-Association. The petitioner-Association is unable to point out calling for the tenders as against the Policy

decision of the Railways or the circular instructions given by the respondents. As no infringement of right is caused to the petitioner- Association in questioning the tender notification, I am of the considered opinion that filing of the writ petition is devoid of merits and the same is liable to be dismissed. However, the members of the petitioner-Association can be continued in pursuance of the Policy decision of the respondents dated 20.5.2002 and they can be continued upto 27.4.2005 subject to the conditions mentioned therein.

Accordingly, the writ petition is dismissed. No costs.

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19-10-2004

sj/usd

To

1. The Senior Divisional Commercial Manager, (Railways) Secunderabad Division, Secunderabad

2. The General Manager, South Central Railways, Rail Nilayam, Secunderabad

3. The Executive Director, Railway Board, Passengers Marketing New Delhi.

4. Two C.D. copies.